

REMARKS

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Reexamination and reconsideration of the claims 1-20 are respectfully requested. Applicants respectfully request that the Primary Examiner consider the documents submitted herewith on the accompanying Information Disclosure Statement by signing and initialing the same. Additionally, a petition for an extension of time under 37 C.F.R. 1.136(a) is included herewith.

Claims 1-20 were rejected under 35 U.S.C. sec. 112, second paragraph, for being indefinite. Claims 1 and 3 have been amended to remove any indefiniteness that may have existed. The amendment of claims 1 and 3 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claims. Withdrawal of the sec. 112 rejection, second paragraph, of claims 1-20 is respectfully requested.

Claims 1, 2, 3, 10, 11, and 12 were rejected under 35 U.S.C. sec. 103(a) applying U.S. Pat. No. 4,865,198 ('198) without a teaching reference. The '198 patent requires vaporizing ink from an underlying substrate to the interior surface of an overwrap film. Specifically, the '198 patent requires a pulsed laser beam to imprint words or symbols on the interior surface of an overlying film by vaporizing ink or pigment from the underlying substrate. In an alternative embodiment, the '198 patent vaporizes a thermotropic ink on the underlying substrate, thereby transferring the thermotropic ink to the inside surface of the overwrap layer. See the '198 patent at Col. 1, ll. 25-49. For a patent to be applicable under sec. 103(a), the teaching must, *inter alia*, expressly or inherently, teach, disclose, or suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the patents must be present.

The sec. 103(a) rejection of claims 1, 2, 3, 10, and 11 is respectfully traversed for the following reasons. Claim 1 recites a sheathing article including a first layer of a first

material containing a first proportion of a dye, and bounding an interior, a second layer adjacent the first layer and bounding an exterior, the second layer having a marking face adapted to be marked by irradiation with photons, and the second layer being formed of a second material and containing, at least inside the marking face, a second proportion of the dye smaller than the first proportion of dye, the second proportion of dye associated with the second layer being dimensioned to cause a color change upon irradiation with photons.

It is respectfully submitted that the applied art, taken alone or in combination with the other art of record, does not implicitly or expressly teach, disclose, or suggest all of the merits of claims 1. First, the skilled artisan would have understood that the '198 patent requires transferring an ink from the outer surface of an inner layer to the inner surface of an overwrap layer. On the other hand, claim 1 recites, *inter alia*, a second layer having a second proportion of dye smaller than the first proportion of dye, the second proportion of dye associated with the second layer being dimensioned to cause a color change upon irradiation with photons. In other words, the overwrap layer of the '198 patent does not have a dye as recited in claim 1. Because the combination of references does not teach each and every feature of claim 1, the Office Action failed to make a *prima facie* case of obviousness. For at least these reasons, withdrawal of the sec. 103(a) rejection of claims 1, 2, 3, 10, 11, and 12 is warranted and is respectfully requested.

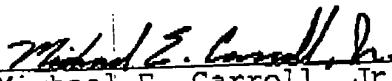
Claims 4-9 and 13-20 were rejected under 35 U.S.C. sec. 103(a) applying the '198 patent in view of U.S. Pat. No. 6,031,457 ('457). For at least the reasons stated above with respect to claim 1, withdrawal of the sec. 103(a) rejection of claims 4-9 and 13-20 is warranted and is respectfully requested.

No other fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,


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Date: January 20, 2003

VERSION WITH MARKINGS TO SHOW CHANGES MADE ✓

IN THE CLAIMS:

1. (amended) A sheathing article, comprising:

a first layer of a first material containing a first proportion of a dye, and bounding an interior;

a second layer adjacent said first layer and bounding an exterior, said second layer having a marking face adapted to be marked by irradiation with photons, and said second layer being formed of a second material and containing, at least inside said marking face, a second proportion of the dye smaller than said first proportion of dye, said second proportion of dye associated with said second layer being dimensioned to cause a color change upon irradiation with photons.

3. (amended) The sheathing according to claim 1, wherein at least one dimension selected from the group consisting of said second proportion of dye associated with said second layer and a thickness of said second layer is adjusted such that said second layer completely absorbs the radiation used for marking.